127952

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,

Respondent-Appellee,

v.

WAYNE WASHINGTON,

Petitioner-Appellant,

On Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-16-3024
There Heard on Appeal from the Circuit Court of Cook County, Criminal Division
No. 93 CR 14676
The Honorable Domenica Stephenson, Judge Presiding

BRIEF OF *AMICUS CURIAE* FORMER CHICAGO POLICE OFFICERS JOHN BALL, KENNETH BOUDREAU, GERALD CARROLL, MICHAEL CLANCY, JOHN HALLORAN, ROBERT LENIHAN, JAMES O'BRIEN, JOHN POSLUSZNY, BERNARD RYAN, ELIZABETH SHINN, JOHN STOUT AND THE CITY OF CHICAGO IN SUPPORT OF RESPONDENT-APPELLEE

Eileen E. Rosen
Patrick R. Moran
Austin G. Rahe
ROCK FUSCO & CONNELLY, LLC
333 West Wacker Drive, 19th Floor
Chicago, Illinois 60606
(312) 494-1000
erosen@rfclaw.com
Attorneys for former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn and John Stout

James G. Sotos
Joseph N. Polick
David A. Brueggen
THE SOTOS LAW FIRM, P.C.
141 West Jackson Blvd., Suite 1240A
Chicago, Illinois 60604
(630) 715-3300
jsotos@jsotoslaw.com
Attorneys for the City of Chicago

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CYNTHIA A. GRANT
SUPREME COURT CLERK

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INTEREST OF AMICUS CURIAE

Amicus Curiae are former Chicago Police officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn, John Stout, and the City of Chicago. The officers and the City are defendants in two consolidated civil lawsuits in federal court, one brought by Petitioner Wayne Washington, and one brought by Tyrone Hood, who is not a party to this appeal. *See Hood v. City of Chicago*, No. 16-cv-1970, *consolidated with Washington v. City of Chicago*, No. 16-cv-1893 (the "lawsuits").[1] The lawsuits allege that Washington and Hood were wrongfully convicted of the 1993 murder of Marshall Morgan, Jr. because of alleged misconduct by the officers and the City. The officers and the City deny the allegations and are defending against them.

In this case, Washington challenges the appellate court's judgment affirming the denial of his petition for a certificate of innocence ("COI"). In *amici's* experience,

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[1] All references to "R.____" are to the U.S. District Court docket in either Washington's lawsuit, No. 16-cv-1893, or Hood's lawsuit, No. 16-cv-1970, both of which can be accessed through PACER and Westlaw Dockets. This Court may take judicial notice of other lawsuits, *see, O'Callaghan v. Satherlie*, 2015 IL App (1st) 142152 at ¶ 20; other courts' dockets, *see Boston v. Rockford Mem'l Hosp.*, 140 Ill. App. 3d 969, 972, 489 N.E.2d 429, 432 (1986); and public documents from other courts, *Seymour v. Collins*, 2015 IL 118432 at n.1. The transcripts of Washington's trial testimony in his criminal case are not in the common law record of this case, even though the circuit court cited the transcripts as a basis to deny Washington a COI. However, those transcripts are attached to, and can be found in, the summary judgment filings in the above referenced lawsuits.

plaintiffs who bring wrongful conviction claims regularly seek the admission of certificates of innocence ("COIs") at trial as evidence of their innocence. *E.g., Patrick v. City of Chicago*, 974 F.3d 824, 832-34 (2020) (upholding admission of plaintiff's COI despite risk of unfair prejudice or confusion because it was relevant to the "terminated in a manner indicative of innocence" element of plaintiff's state-law malicious prosecution claim). Washington can safely be expected to do the same.[2] In many cases alleging wrongful conviction, like Washington's, the plaintiff's guilt or innocence becomes an issue. For example, a plaintiff alleging that his confession was coerced will attempt to adduce evidence that he is innocent, on the theory that a jury who believes the plaintiff is innocent is more likely to believe his confession was coerced. When plaintiffs have obtained a COI, they present it to the jury as a judicial finding of innocence, which has an undeniably powerful impact on the jury. And jury verdicts for plaintiffs in wrongful conviction cases are frequently in "the millions of dollars, and at times, over $10 million for cases of wrongful convictions and incarcerations of over 20 years." *Prince v. Kato*, 2020 WL

[2] Indeed, Washington is already attempting to use someone else's COI to show his innocence in his civil case. Washington touts Hood's COI (while noting his own COI case is on appeal) and asserts it means "the State of Illinois has declared him an innocent man." R. 322-1 at 2. He also asserts that Hood's COI bolsters the credibility of another witness's recantation and proves that the witness's original statement was a lie, since it "implicated a man who has been deemed innocent by the State of Illinois." *Id.* at 37. Washington even asserts that his and Hood's denials of incriminating facts should be believed because Hood "has been granted a COI." *Id*. at 47.

1874099, at *5 (N.D. Ill. Apr. 15, 2020).[3] *Amici* therefore have a substantial interest in how COI proceedings are conducted in general, as well as in this particular case. *See People v. Chatman* 2016 IL App (1st) 152395, ¶ 4 (acknowledging that plaintiffs in federal civil rights cases use COIs as substantive evidence, leaving parties like *amici* without "a level playing field").

As this court is aware, the State did not participate in Washington's COI proceeding. Washington urges a rule that would, in such circumstances, prohibit consideration of any evidence apart from what the petitioner provides – even to the exclusion of judicially noticeable material from the underlying criminal case. That would be a dangerous rule that would foster abuse of the COI process by allowing petitioners to make false statements or omit harmful facts with little risk that such misrepresentations will be challenged.

Washington's brief to this court exemplifies the danger of the rule he urges. We submit this amicus brief because, in considering Washington's appeal, the court should be aware of several falsehoods and misrepresentations in Washington's brief.

ARGUMENT

This brief focuses on but two areas of misrepresentations in Washington's brief: (1) Washington's discussion of the invocation by two of the Officers, John Halloran and James O'Brien, of their Fifth Amendment rights, which suggests that the officers refuse to this day to answer questions about Washington's interrogation even though those officers

[3] *See Rivera v. City*, No. 12-CV-4428 (verdict for $17 million); *Fields v. City*, No 10-CV-1168 (verdict for $22 million) and *Johnson v. Guevara*, No. 05-CV-1042 (verdict for $21 million).

later withdrew their invocation and have testified fully; and (2) Washington's statement that "no one disputes his innocence," when his innocence is vigorously disputed. These gross misrepresentations expose the vulnerability of the COI process when the State does not participate – a vulnerability that makes it all the more important that a petitioner be held to his burden of proof and the circuit court have the flexibility to examine the criminal trial record when reviewing the petition. We urge the court to consider these additional points.

Washington's Discussion Of The Officers' Assertions Of Their Fifth Amendment Rights. To begin, Washington states that Detectives Halloran and O'Brien invoked their Fifth Amendment rights in order to avoid answering questions about the circumstances under which Washington confessed, including whether they struck Washington; whether they struck Hood, pointed a gun at his head, and fabricated an incriminating statement from him; whether they struck other witnesses to obtain statements from them and against Washington and Hood; and whether they observed Boudreau engaging in similar conduct. *See* Washington Br. at 6-7. From this, Washington argues that the circuit court and the appellate court in his COI case "erred in failing to draw an adverse inference against the detectives." *Id.*; *see also id.* at 28. Washington argues he should receive the benefit of an adverse inference that his confession was coerced, which would undermine his confession as a basis to deny him a COI. *Id*. at 32-35.

This line of argument is grossly misleading. It is true that Halloran and O'Brien *at one time* asserted their rights under the Fifth Amendment and refused to answer questions about Washington and Hood. That was in 2010, during a deposition in an unrelated civil case, *Hill v. City of Chicago, et al*., 06-C-6772 (U.S. District Court, N.D. Ill.) *See* Order in

Hill dated Jan. 28, 2010, SA000004-5. But that is not the whole story. Later in *Hill*, as Washington knows, Halloran and O'Brien *withdrew* their invocation of their Fifth Amendment rights and sat for another deposition. *See* SA000001-3 (Motion to Reopen Discovery, and Order dated Jan. 28, 2010).[4] All questions to which the Fifth Amendment had been invoked could have been asked again and answered. Indeed, the district court in *Hill*, in permitting Halloran and O'Brien to withdraw their Fifth Amendment assertions, acknowledged the active participation of those officers in that case. SA000004-5, at 1-2.

Beyond that, as Washington also knows, in his own lawsuit, both Halloran and O'Brien were deposed. Neither invoked the Fifth Amendment or otherwise refused to answer the allegations against them or any questions of substance at depositions. Halloran was deposed for nine hours over two days and never once invoked the Fifth Amendment. He answered direct questions about Washington's allegations. (*See, e.g.,* Deposition of Halloran, 437: 23 – 438: 13 at R. 517-50 in *Hood v. City of Chicago*, No. 16-cv-1970) ("Q: By the way, when Washington was at Area 1, the entire time he was there, at any point did you ever strike him? A: No. Q: Did Boudreau ever strike him? A: No. Q Did you ever make him any promises that he could go home if he cooperated? A: No. Q Did you ever or Boudreau ever do that? A: No. Q Did anyone ever tell Washington that if he provided a statement, he would be released without charging? A: No."). O'Brien likewise did not invoke the Fifth Amendment, and regardless, Washington does not even allege that

[4] Washington made the same Fifth Amendment argument in the appellate court, and *amici* moved for leave to file an *amicus* brief there. Although the court denied the motion, it put Washington on notice, if he was not already, that his Fifth Amendment argument was baseless.

O'Brien was involved in his interrogation. R. 320 in *Washington* at 36-37, ¶ 59-60. Rather, he alleges that O'Brien coerced a witness, Joe West, but at his deposition, O'Brien denied any misconduct related to Joe West. (Deposition of O'Brien at 76: 17 – 77: 18 at R. 517-123 in *Hood*).

Washington also relies on the opinion of the dissenting justice in the appellate court as support for his argument for an adverse inference. Brief at 32. But that opinion reflects only that Washington misled the dissenting justice. The dissenting justice stated that "the circuit court should have drawn a negative inference from Halloran's invocation of the fifth amendment, and that inference strongly corroborates the testimony of Washington and other witnesses to police coercion." 2020 IL App (1st) 163024, ¶ 40. Critically, in support of this statement, the dissenting justice relied on a portion of the deposition in *Hill* in which Halloran asserted the Fifth Amendment. *Id.* ¶ 38. But again, later in *Hill,* both Halloran and O'Brian waived their Fifth Amendment rights, and they did not assert them in Washington's lawsuit. Washington kept that from the appellate court and attempts to keep it from this court as well.

Washington's Statements That His Innocence Is Undisputed. Washington also misrepresents when he states that his innocence is not in dispute. The first sentence of Washington's opening brief states: "No one disputes that Appellant Wayne Washington is innocent of the murder for which he was convicted." Washington Br. at 1. This is false, as are the variations of the same point in Washington's brief. *See id.* at 3 ("Today, no one disputes Washington's innocence"); *id*. at 14 ("Washington's Innocence is Manifest and Unquestioned," "Washington's innocence is not disputed, nor could it be").

In fact, Washington's innocence is vigorously disputed in his civil lawsuit. Washington's lawsuit alleges claims of fabrication of evidence, coerced confession, withholding or suppressing exculpatory or impeachment evidence, unlawful detention, malicious prosecution, intentional infliction of emotional distress, and conspiracy. *See* R. 1 (complaint). Washington asserts that his claimed innocence bears on several of these claims, the officers' defenses, Washington's credibility, and his damages, and it thus features prominently in the civil case. *See* R. 322-1 in *Washington*, p. 2 (acknowledging in the introduction that one of defendants' arguments is that plaintiffs are guilty of the crime) and R. 345 in *Washington* at 4-7, ¶¶ 4-5 (disputing Washington's innocence). In response to Washington's claims in the civil case that he is innocent, as would be expected, the officers and the City argue that Washington is guilty. *E.g.*, R. 322-1 in *Washington* at 2 (Washington's response to defendant's motion for summary judgment, stating that how he and Hood "came to be wrongfully arrested, prosecuted, and convicted . . . is hotly contested. Defendants' motion for summary judgment suggests that it was the result of bad luck, prosecutorial decisions, or because Plaintiffs are guilty after all"); R. 345 in *Washington* at 4-7 (disputing Washington's assertions of innocence and observing that he pled guilty).

Indeed, defendants' summary judgment briefing sets forth hundreds of pages of evidence reflecting many disputes over the same evidence that Washington relies on to say his innocence is "undisputed." In brief, Hood and Washington were convicted of murder on the basis that the men were committing an armed robbery when Hood shot and killed the victim and put him in the back seat of the victim's car, and then the two men used the victim's car while the victim was still in it, deceased. R. 305-2 in *Washington* at 310 in

Washington at 8-9; R. 322-1 in *Washington* at 36-40, ¶¶118-132. Washington denied involvement, including denying ever being in or near the victim's car or knowing the victim, and testified at the COI hearing that he "didn't know anything about a murder." *See e.g.*, Brief at 4 (citing Washington's COI testimony) and Washington's COI testimony at U50 – U63. But in the civil case, *amici* offer evidence that a key trial witness for the State, Emanuel Bob, testified at Washington's criminal trial and identified Washington as being in or near the victim's car with Hood the day after the victim disappeared, and Mr. Bob has never retracted that testimony. R. 310 in *Washington* at 1, 8-9, 14, 35-37; R. 349 in *Washington* at 35-39. In addition, Washington admitted that he saw Hood in possession of the victim's car, with the body still in it, two days after the murder and asked Hood "why was [the victim] still in the car." *See* R. in *Washington* 310 at 41; R. 320 in *Washington* at 43-44, ¶71; R. 349 in *Washington* at 11, 42, 50-51 (citing Washington's criminal trial testimony, which can be found at R. 500-2 in *Hood*). Washington's related assertion that it was instead the victim's father, Marshall Morgan, Sr., who killed his son, to collect on a life insurance policy, Brief at 3 and 15, is likewise disputed. Indeed, in Hood's COI proceeding, the appellate court agreed that this theory was speculative, and that Hood had not supported it with any "credible evidence." *People v. Hood*, 2021 IL App (1st) 162964 at ¶ 41.

* * * *

In sum, Washington's serious misrepresentations demonstrate that the appellate court rightly held that a court in a COI proceeding may take judicial notice of prior sworn testimony or evidence admitted in the criminal proceedings. *Washington*, 2020 IL App (1st) 163024, ¶ 22; *see People v. Fields*, 2011 IL App (1st) 100169, ¶ 19 ("*Fields I*") (COI statute

requires court to consider the materials attached to defendant's petition in relation to the evidence presented against him at trial). Washington urges a rule that would prohibit consideration of anything besides what the petitioner presents. This case amply demonstrates how that rule would open the COI process to gross abuse.

Respectfully submitted,

former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn, John Stout and the City of Chicago

s/ *Eileen E Rosen*
One of their attorneys

Eileen E. Rosen
Patrick R. Moran
Austin G. Rahe
ROCK FUSCO & CONNELLY, LLC
333 West Wacker Drive, 19th Floor
Chicago, Illinois 60606
(312) 494-1000
erosen@rfclaw.com
Attorneys for former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn and John Stout

James G. Sotos
Joseph N. Polick
David A. Brueggen
THE SOTOS LAW FIRM, P.C.
141 West Jackson Blvd., Suite 1240A
Chicago, Illinois 60604
(630) 715-3300
jsotos@jsotoslaw.com
Attorneys for the City of Chicago

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HAROLD HILL,	)	
	)	
Plaintiff,	)	
v.	)	No. 06 C 6772
	)	
CITY OF CHICAGO, et. al.	)	Judge St. Eve
	)	
Defendants.	)	

DEFENDANTS' MOTION TO REOPEN DISCOVERY
FOR LIMITED PURPOSE

Defendants Kenneth Boudreau and John Halloran, by one of their attorneys, and pursuant to Fed.R.Civ.P. 26(b) and 30(a), move this Court to reopen discovery for the limited purpose of providing plaintiff the opportunity to re-depose defendant Halloran and former defendant James O'Brien regarding certain matters under Fed.R.Evid. 404(b). In support thereof, Defendants state as follows:

1. During discovery in this matter, plaintiff took the depositions of defendant Halloran and former defendant James O'Brien on three occasions. During the first session, both Halloran and O'Brien testified to the facts underlying the matter involving plaintiff Hill. Per agreement of the parties, plaintiff reserved a portion of his time to reconvene the depositions for questioning regarding matters under Fed.R.Evid. 404(b).[1]

2. On the second session of their respective depositions, both Halloran and O'Brien testified to plaintiff's questions regarding matters under Fed.R.Evid. 404(b). During these depositions a disagreement arose between plaintiff and defendants regarding the scope of the

[1] Plaintiff identified fifteen witnesses whose testimony he will attempt to present pursuant to Fed.R.Evid. 404(b).

Fed.R.Evid. 404(b) questioning. Defendants' position was that the scope of the Fed.R.Evid. 404(b) inquiry was limited to the fifteen witnesses identified by plaintiff, and that going beyond that limitation would implicate Monell discovery that had been previously stayed by the Court. Thereafter, plaintiff moved to compel. On July 1, 2008, the Court, in its discretion, granted plaintiff's motion and granted plaintiff's request for two additional hours per deponent for the supplemental depositions of Halloran and O'Brien. (See Order of 7/1/08, Doc. # 200).[2]

3. During the third sessions of their respective depositions, Halloran and O'Brien asserted their Fifth Amendment privilege in response to plaintiff's questioning because of the indictment of former Chicago Police Commander Jon Burge and the federal investigation of alleged police misconduct by detectives under his command.[3]

4. On January 6, 2010, and in subsequent discussions, defense counsel advised plaintiff's counsel that Halloran and O'Brien had decided to waive their respective Fifth Amendment privileges and were available to be re-deposed regarding the subject matter of questioning during the last session of their respective depositions. This notification to plaintiff's counsel is consistent with the decision in Harris v. City of Chicago, 266 F.3d 750 (7th Cir. 2001), in order that plaintiff has the opportunity to take the depositions and is not prejudiced at trial.

5. Discovery in this case has been closed, and a stay has been entered by the Court in light of the interlocutory appeal taken by Defendant Mike Rogers. The discovery proposed by this motion, however, is of very limited scope and duration. The scope involves certain alleged

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[2] The motion and order also involved Defendant Boudreau, who is not a subject of the instant motion.

[3] Burge was indicted by the federal government on or about October 16, 2008.

acts under Fed.R.Evid. 404(b) concerning Halloran and O'Brien, and not Defendant Mike Rogers. Given the Court's prior order of July 1, 2008, the duration of these depositions should be limited to two hours per deponent.

WHEREFORE, Defendants Kenneth Boudreau and John Halloran respectfully request this Court to grant their motion to reopen discovery for the limited purpose of providing plaintiff the opportunity to re-depose defendant Halloran and former defendant James O'Brien regarding certain matters under Fed.R.Evid. 404(b), and for such other relief the Court deems appropriate.

Respectfully submitted,

/s/ Joseph M. Polick

JOSEPH M. POLICK
Special Litigation Counsel

30 N. La Salle Street
Suite 1720
Chicago, Illinois 60602
(312) 744-8335

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	06 C 6772	DATE	1/28/2010
CASE TITLE	Hill vs. City of Chicago et al.		

DOCKET ENTRY TEXT

The Court grants Defendants' motion to reopen discovery [364]. To the extent necessary, Defendants must supplement their interrogatory responses and document production pursuant to Rule 26(e) on or before 2/4/10, regarding additional Rule 404(b) matters. Officers Halloran's and O'Brien's depositions must go forward by 2/25/10.

■[For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Before the Court is Defendants Kenneth Boudreau's and John Halloran's motion to reopen discovery for the limited purpose of providing Plaintiff with the opportunity to re-depose Defendant Halloran and former Defendant James O'Brien regarding certain Federal Rule of Civil Procedure 404(b) matters. Plaintiff already has deposed Defendant Halloran and former Defendant O'Brien on three separate occasions. First, Plaintiff deposed both officers regarding the facts underlying Plaintiff Hill's claims alleged in his Complaint. Second, Plaintiff deposed Officers Halloran and O'Brien regarding specific Rule 404(b) matters identified by Plaintiff with respect to fifteen witnesses. Thereafter, the Court permitted Plaintiff to re-depose Officers Halloran and O'Brien for a third time regarding additional Rule 404(b) witnesses not previously disclosed by Plaintiff, at which time Officers Halloran and O'Brien asserted their Fifth Amendment privilege against self-incrimination in connection with this line of questioning only. Former Commander Jon Burge had been indicted the month before this deposition testimony on charges involving police brutality.

Continued...

Courtroom Deputy Initials:	KF

Here, Plaintiff does not identify any prejudice that would result from the re-deposition of Officers Halloran and O'Brien on this limited area. Instead, Plaintiff argues that Defendants are "gaming" the system by invoking the Fifth Amendment as a strategic tool to avoid discovery. Plaintiff specifically argues that Defendants' reason for invoking the Fifth Amendment is suspicious based on their tenuous interactions with Burge. Plaintiff stops short of arguing that Defendants' invocation of the Fifth Amendment was done in bad faith. Because Plaintiff linked Defendants to Burge in his Complaint (see R.1-1, Compl. ¶¶ 60h, 70), as well as the fact that Burge was a Defendant in this matter until January 30, 2008, the Court cannot conclude that Defendants' reasons for invoking the Fifth Amendment were suspicious as Plaintiff claims. *See Evans v. City of Chicago*, 513 F.3d 735, 743-44 (7th Cir. 2008). This is especially true given that Officers Halloran and O'Brien previously sat for two full depositions where they answered questions posed by Plaintiff. They only asserted their Fifth Amendment privilege when testifying within one month of Burge's indictment.

The Seventh Circuit has addressed the withdrawal of the Fifth Amendment privilege assertion before or at trial in both Evans and *Harris v. City of Chicago*, 266 F.3d 750, 753-54 (7th Cir. 2001). Courts have discretion in permitting the withdrawal of a privilege assertion. *See Evans*, 513 F.3d at 742. Timing and prejudice are significant factors in a court's analysis. *See* id. Courts also consider any measures that would cure potential prejudice. *See id.*

Here, discovery closed some time ago, thus Defendants' request is not timely. Plaintiff, however, fails to argue any prejudice from permitting the depositions from going forward. Even if prejudice existed, the requirements of this order – set forth below – will cure any such prejudice. Unlike both Harris and Evans, it is uncontested here that Officers Halloran and O'Brien have actively participated in discovery, answered written discovery, answered all questions during their first depositions concerning the facts underlying Plaintiff's Complaint, and answered all questions in their second depositions regarding the fifteen Rule 404(b) witnesses initially identified by Plaintiff. They only invoked their Fifth Amendment privilege and refused to answer questions regarding additional Rule 404(b) matters – that the Court subsequently permitted – at their third depositions. Meanwhile, on July 1, 2008, the Court limited the supplemental depositions to two hours per deponent.

Thus, unlike Harris and Evans, Plaintiff has had the meaningful opportunity to conduct extensive discovery from Officers Halloran and O'Brien on the facts underlying this litigation that pertain to Plaintiff's Complaint, as well as extensive Rule 404(b) matters. Furthermore, Plaintiff has to take only two more depositions and each deposition is limited to 2 hours pursuant to the Court's prior order. This limited discovery is significantly more curtailed than the 7 depositions of the defendants in the Evans matter. In addition, to the extent necessary, Officers Halloran and O'Brien must supplement their interrogatory responses and document production pursuant to Rule 26(e) on or before Thursday, February 4, 2010, regarding the additional Rule 404(b) matters. Their depositions must go forward by February 25, 2010. Given that trial is not scheduled until April 12, 2010, Plaintiff will not be prejudiced by this limited discovery because it will be completed six weeks before trial starts, thus enabling Plaintiff to fully develop his trial strategy.

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and table of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 9 pages.

s/ *Eileen E Rosen*
EILEEN E. ROSEN, Attorney

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of law as provided in 735 ILCS 5/1-109 that the statements in this instrument are true and correct and that the foregoing Motion for Leave to File Brief of *Amicus Curiae* former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn, John Stout and the City of Chicago and the attached Brief of *Amicus Curiae* were served on the persons named in the attached Notice of Filing via File & Serve Illinois on July 12, 2022.

s/ *Eileen E Rosen*
EILEEN E. ROSEN, Attorney

No. 127952

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Respondent-Appellee, v. WAYNE WASHINGTON, Petitioner-Appellant,	)	On Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-16-3024 There heard on Appeal from the Circuit Court of Cook County, Illinois, No. 93 CR 14676 The Honorable Domenica Stephenson, Judge, Presiding

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NOTICE OF FILING

TO: David M. Shapiro
RODERICK AND SOLANGE
MACARTHUR JUSTICE CENTER
NORTWESTERN PRITZKER
SCHOOL OF LAW
375 East Chicago Avenue
Chicago, Illinois 60611
(312) 503-0711
david.shapiro@law.northwestern.edu

Steve A. Greenberg
GREENBERG TRIAL LAWYERS
53 W. Jackson Blvd., Suite 1260
Chicago, Illinois 60604
(312) 879-9500
steve@greenbergcd.com

Erin O'Connell
Illinois Attorney General
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3000
Erin.oconnell@ilag.gov
Eserve.criminalappeals@ilag.gov

Kim Foxx
Cook County State's Attorney
69 W. Washington
Chicago, Illinois 60602
(312) 603-1880
Eserve.criminalappeals@cookcountyil.gov

PLEASE TAKE NOTICE that on July 12, 2022, I shall electronically file with the Clerk of the Illinois Supreme Court, Springfield, Illinois, a motion for leave to file brief *amicus curiae* former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny,

Bernard Ryan, Elizabeth Shinn, John Stout and the City of Chicago and the brief of *amicus curiae,* copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn, John Stout and the City of Chicago

s/ *Eileen E Rosen*
One of their attorneys

Eileen E. Rosen
Patrick R. Moran
Austin G. Rahe
ROCK FUSCO & CONNELLY, LLC
333 West Wacker Drive, 19th Floor
Chicago, Illinois 60606
(312) 494-1000
erosen@rfclaw.com
Attorneys for former Chicago Police Officers John Ball, Kenneth Boudreau, Gerald Carroll, Michael Clancy, John Halloran, Robert Lenihan, James O'Brien, John Posluszny, Bernard Ryan, Elizabeth Shinn and John Stout

James G. Sotos
Joseph N. Polick
David A. Brueggen
THE SOTOS LAW FIRM, P.C.
141 West Jackson Blvd., Suite 1240A
Chicago, Illinois 60604
(630) 715-3300
jsotos@jsotoslaw.com
Attorneys for the City of Chicago